

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AMERANTH, INC.,)
)
Plaintiff,)
)
v.) C.A. No. 20-518 (LPS)
)
OLO INC.,)
)
Defendant.)

**DECLARATION OF LOWELL D. MEAD IN SUPPORT OF DEFENDANT'S MOTION
FOR RECOVERY OF ATTORNEYS' FEES UNDER 35 U.S.C. § 285**

MORRIS, NICHOLS, ARSHT & TUNNELL LLP
Jack B. Blumenfeld (#1014)
Karen Jacobs (#2881)
Cameron P. Clark (#6647)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@morrisnichols.com
kjacobs@morrisnichols.com
cclark@morrisnichols.com

OF COUNSEL:

Heidi L. Keefe
Lowell D. Mead
COOLEY LLP
3175 Hanover Street
Palo Alto, CA 94304-1130
(650) 843 5000

*Attorneys for Defendant
Olo Inc.*

July 11, 2022

I, Lowell D. Mead, declare:

1. I am a partner with Cooley LLP, counsel in this action for Defendant Olo Inc. (“Olo”). I submit this declaration in support of Defendant’s Motion for Recovery of Attorneys’ Fees Under 35 U.S.C. § 285. I have personal knowledge of the facts contained within this declaration, and if called as a witness, could testify competently to the matter contained herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of an email dated October 16, 2020 from counsel for Olo to counsel for Ameranth, Inc. (“Ameranth”).

3. Attached hereto as **Exhibit B** is a true and correct copy of an email dated October 19, 2020 from counsel for Olo to counsel for Ameranth.

4. Attached hereto as **Exhibit C** is a true and correct copy of an email dated February 10, 2021 from counsel for Olo to counsel for Ameranth.

5. Attached hereto as **Exhibit D** is a true and correct copy of a posting dated October 6, 2020 from Ameranth’s website at <http://www.ameranth.com/news.html>.

6. Attached hereto as **Exhibit E** is a true and correct copy of a Law360 article dated June 13, 2022 entitled “Justices Skip Software Co.’s Patent Eligibility Row.”

7. I have reviewed information regarding the timekeeper fees billed to Olo for work performed by Cooley LLP and Morris Nichols Arsht & Tunnell LLP in connection with this matter since Ameranth filed this action in April 2020. Based on the reviewed information, approximately \$303,000 in timekeeper fees has been billed to Olo as of the filing of this motion. Based on the reviewed information and my substantial personal involvement in this matter on behalf of Olo, the billed work was performed by Olo’s attorneys and other timekeeper professionals as a reasonable direct result of Ameranth’s assertions in this action.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on July 11, 2022 at Palo Alto, California.

/s/ Lowell D. Mead
Lowell D. Mead

CERTIFICATE OF SERVICE

I hereby certify that on July 11, 2022, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on July 11, 2022, upon the following in the manner indicated:

Stamatios Stamoulis
Richard Weinblatt
STAMOULIS & WEINBLATT LLC
800 N. West Street, Third Floor
Wilmington, DE 19801
Attorneys for Plaintiff
Ameranth, Inc.

VIA ELECTRONIC MAIL

Shekhar Vyas
STAMOULIS & WEINBLATT LLC
302 Washington Street, #150-2028
San Diego, CA 92103
Attorneys for Plaintiff
Ameranth, Inc.

VIA ELECTRONIC MAIL

/s/ Karen Jacobs

Karen Jacobs (#2881)